

Appl. No. 09/742,709
Amdt. Dated Jan. 29, 2004
Reply to Office Action of Aug. 1, 2004

NC 29319

REMARKS/ARGUMENTS

In regard to the 35 U.S.C. 112, second paragraph, rejection of claims 36 and 37 as being indefinite for claim 36 being dependent upon itself, claim 36 has been amended to be dependent upon claim 35. Claims 36 and 37, as amended, now contains proper antecedent basis and this rejection should be withdrawn. In addition claims 5 and 34 have been amended to provide proper antecedent basis.

In regard to the 35 U.S.C. 102(e) rejection of claims 1-6,8,10,14,15,21-26,28,30,34 and 35 over Hirayama (U.S. Pat. No. 6,044,262), the Hirayama patent teaches a motion determination method for activating auto-response or answering mode, col. 2 lines 23-31. Hirayama discloses several alternative steps to recognize if the electronic device is in motion, wherein all of the alternative steps involve analysis of an incoming signal from a base station, col. 5 lines 17-22 and line 46 through col. 6 line 24. Hirayama is only concerned with a new method to determine motion of an electronic device.

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Regarding claims 1 and 21, Hirayama contains no teaching of

executing an alert if the electronic device is in sleep mode. The only reference to present modes of the electronic device is whether the auto-responder is active or not, col. 4 lines 9-18.

In short, Hirayama's invention is focused on determination of motion for the electronic device, while applicants' invention is focused upon user notification after motion detection. The cited patent does not anticipate the presently claimed invention, and the rejection should be withdrawn.

Regarding claim 2, Hirayama analyzes received signal information to determine motion, no motion sensor is presented or discussed.

Claims 3 and 4 are dependent upon claim 2 and are likewise distinguished from the cited art.

Regarding claims 5 and 10, Hirayama contains no teaching of executing an alert prior to activating a motion sensor. Claim 6 is dependent upon claim 5 and this claim is likewise distinguished from the cited art.

Regarding claims 14 and 15, Hirayama contains no teaching of executing a set of alerts, and are likewise distinguished from the cited art.

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Regarding claim 22, Hirayama analyzes received signal information to determine motion, no motion sensor is presented or discussed. Claims 23-29 are dependent upon claim 22 are likewise distinguished from the cited art.

Regarding claim 30, Hirayama does not disclose a second alert if the electronic device is in a second mode. Claim 31 is dependent upon claim 30 and is likewise distinguished from the cited art.

Regarding claim 34, Hirayama does not teach setting the mode before a determination is made.

Regarding claim 35, Hirayama does not teach a set of alerts, rather, the only reference to present modes of the electronic device is whether the auto-responder is active or not, col. 4 lines 9-18. Claims 36-40 are dependent upon claim 35 and are likewise distinguished from the cited art.

In regard to the 35 U.S.C. 103(a) rejection of claims 7,9,11,16-20,27,29,31 and 36-40 as unpatentable over Hirayama in view of Abe (U.S. Pat. No. 6,249,668), the patent of Abe discloses a radio pager to allow the user to prioritize messages which are stored in folders, col. 1 lines 39-45. Notification of the presence of a

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message is discussed in col. 2 lines 1-8 and 18-20. User

notification is controlled by the paging control section 6,
controlling speaker 15, vibrator 16 and LED 17, col. 3 lines 30-32.
Fig. 3 details the processing for notification, and description is
found in col. 4 lines 18-23 and lines 47-53.

The combination of Abe with Hirayama is troublesome at best, as
motivation for combining Hirayama's motion detection scheme for
auto-reply, with a Abe's non-motion pager for prioritizing incoming
messages into folders for user notification, is simply not present.
In addition, even if combined, the claimed features of the present
invention are still not found within the four corners of these
references.

In regard to claims 7 and 9, Abe has no discussion of any mode
being present at the time, or even before the time, an incoming
message is received. Abe only discusses that a vibrator 16 or an
LED 17 can be used to alert the user to the presence of a message,
col. 4 lines 51-54. Neither reference, either alone or in
combination, discusses a sleep mode, and as such these claims are
distinguished from the prior art.

In regard to claim 11, neither reference, either alone or in
combination, teaches a second alert. Hirayama contains on an auto-

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reply and Abe selects one alert from options of speaker, LED, vibrator or sign.

In regard to claims 16-20, neither Hirayama or Abe contains a teaching for executing a set of alerts, the only remotely applicable teaching is a single alert, chosen from a variety of options, as discussed in Abe in col. 4 lines 47-63 which cites "In a case where any one of the methods..." and "...paging control section 6 is set so as to control one of...". There are no multiple alerts taught or contemplated by the cited references.

In regard to claims 27 and 29, Abe has no discussion of any mode being present at the time, or even before the time, an incoming message is received. Abe only discusses that a vibrator 16 or an LED 17 can be used to alert the user to the presence of a message, col. 4 lines 51-54. Neither reference, either alone or in combination, discusses a sleep mode, and as such these claims are distinguished from the prior art.

In regard to claim 31, neither reference, either alone or in combination, teaches a second alert. Hirayama contains on an auto-reply and Abe selects one alert from options of speaker, LED, vibrator or sign.

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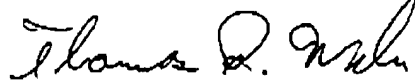
In regard to claims 36-40, neither reference contains any

discussion of a plurality of alerts, as the only relevant teaching is a single alert found in Abe.

Applicant graciously acknowledges the indication of allowable subject matter for claims 12,13,32 and 33. However, as presented above, applicants believe the cited references fail to teach the claimed invention, and all claims should now be in condition for allowance.

Accordingly, present claims 1-40 are believed to be in allowable form having overcome all existing rejections set forth within the office action of August 1, 2003. Therefore, applicant respectfully requests allowance of all the claims and issuance of a notice of allowance.

Respectfully submitted,



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